

CUSTOMER NO. 24498  
SERIAL NO. 10/517,134

PU020267

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JUL 30 2008

Remarks/Arguments

The Examiner has required restriction between Claims 1 to 13, drawn to a method for internetworking networks, and Claims 14 to 15, drawn to a broker based authentication system. The Examiner has asserted that the invention defined by Claims 1 to 13, and the invention defined by Claims 14 to 15, are related as combination and subcombination. The Applicant can not agree.

The Applicant has amended Claim 15 to correct a typographical error. Claims 16 to 18 have been added to provide protection for a mobile device which interworks between two networks.

All of the claims of the instant application, including Claims 16 to 18 which have been added, relate to interworking between first and second networks. Claims 1 to 13 are directed to a method of interworking between a WLAN and a second network. Claims 14 and 15 relate to a system for interworking between a WLAN and a second network. Claims 16 to 18 relate to a mobile device for interworking between first and second networks. There is no combination and subcombination, as asserted by the Examiner.

MPEP 802.01 sets forth that in order for a restriction requirement to be proper, the inventions subject to restriction must be either independent or distinct. Since the claimed inventions relate either to a product and process of using the product, as set forth in MPEP 806.05 (h), or a process and apparatus for its practice, as set forth in MPEP 806.05(e), it is clear that the claimed inventions are not independent, but rather are dependent, as explained in MPEP page 800-3, left column, second full paragraph. It is therefore clear that the claimed inventions are not independent.

The remaining question to be answered is whether the claimed inventions are distinct. The Applicant submits that the claimed inventions are *not* distinct.

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MPEP 802.01 II, second paragraph, explains that claims are distinct only if the claimed inventions are not connected in design, operation or effect. That is, the claimed inventions must be made by or used in a materially different process. In the instant invention, all of Claims 1 to 18 relate to interworking between first and second networks. It is therefore clear that the claims of the instant invention are not properly subject to a restriction requirement.

MPEP 806.05(e) directs that claims to a process and apparatus for its practice can only be restricted if:

(A) the process can be practiced by another materially different apparatus or by-hand; or

(B) the apparatus can be used to practice another materially different process.

The Examiner has asserted that the combination as claimed does not require the particulars of the subcombination as claimed because the subcombination has separate utility, such as a method for network internetworking and broker-based authentication. The Applicant can not agree. For example, all of the Claims recite broker authentication. It is therefore clear that the Examiner has not shown that the process can be practiced by another materially different apparatus or by-hand, or that the apparatus can be used to practice another materially different process.

The Applicant submits that examination of all of the Claims in this application would not present a burden to the Office because all of the Claims are directed to internetworking between first and second networks using broker authentication. Only a single search would be necessary for all Claims.

Since the Examiner has not responded to any of the above arguments submitted in Applicant's Election with Traverse, submitted on 8 April 2008, it would appear that the Examiner agrees that the Requirement for

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Restriction is improper. The Applicant would appreciate a notice to that effect.

Respectfully submitted,

JUNBLAO ZHANG

By: 

Daniel E. Sragow, Attorney  
Reg. No. 22,856  
(609)-734-6832

DES:jds

Thomson Licensing LLC  
Patent Operations  
P.O. Box 5312  
Princeton, NJ 08540

30 July 2008